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July 15, 2008

The Honorable Sue L. Robinson  
J. Caleb Boggs Federal Building  
844 North King Street, Room 6124  
Lockbox 31  
Wilmington, DE 19801

Re: *In re: Buffets Holdings, Inc., et al.*  
**Appeals from Bankruptcy Court Order**  
**Case No. 1:08-cv-00187-SLR**  
**Case No. 1:08-cv-00188-SLR**

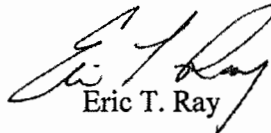
Dear Judge Robinson:

On June 30, 2008, Alabama Power Company ("APCO"), Appellant in Case No. 1:08-cv-00187-SLR ("Case No. 187"), incorrectly filed the Stipulation of Dismissal attached hereto as **Exhibit "A"** in Case No. 1:08-cv-00188-SLR ("Case No. 188"). To correct this error, immediately prior to the filing of this correspondence, APCO filed a corrected Stipulation of Dismissal in Case No. 187, a copy of which is attached hereto as **Exhibit "B"**. The incorrect Stipulation of Dismissal attached hereto as **Exhibit "A"**, which was not intended by the parties to have any effect in Case No. 188, is hereby withdrawn.

APCO will take any such further action the Court may require to correct the error described herein.

With best regards, I remain

Sincerely yours,



Eric T. Ray

ETR:cm

cc: William A. Hazeltine, Esq.  
Pauline K. Morgan, Esq.  
Joseph M. Barry, Esq.  
Ryan M. Bartley, Esq.  
Michael P. Morton, Esq.  
William D. White, Esq.

## **Exhibit “A”**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

In re:	)	Chapter 11
BUFFETS HOLDINGS, INC., <i>et al.</i>	)	Case No.: 08-10141 (MPW)
	)	Jointly Administered
ALABAMA POWER COMPANY,	)	
Appellant,	)	Case No.: 1:08-CV-00188-UNA
v.	)	
BUFFETS HOLDINGS, INC., <i>et al.</i>	)	
Appellees.	)	

**STIPULATION OF DISMISSAL**

WHEREAS, on March 7, 2008, Alabama Power Company ("APCO") filed a notice of appeal of the Final Order Pursuant to Section 366 of the Bankruptcy Code (I) Prohibiting Utility Companies from Altering, Refusing or Discontinuing Utility Services, (II) Deeming Utility Companies Adequately Assured of Future Performance, and (III) Establishing Procedures for Determining Adequate Assurance of Payment issued by the United States Bankruptcy Court for the District of Delaware; and

WHEREAS, the issues on appeal have been resolved and APCO has agreed to dismiss the above-styled appeal with prejudice.

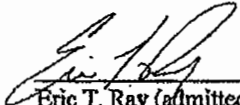
NOW THEREFORE, the parties hereby stipulate, by and through undersigned counsel, that the appeal in Case No. 1-08-cv-00188-UNA shall be dismissed with prejudice, with each party to bear its own costs and attorney fees.

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Docket No. 5  
Date 6/30/2008

Dated: June 30, 2008

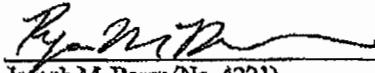


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- and -

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*Counsel to Alabama Power Company*



Joseph M. Barry (No. 4221)  
Ryan M. Bartley (No. 4985)  
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1000 West Street, 17<sup>th</sup> Floor  
P. O. Box 391  
Wilmington, Delaware 19899-0391  
Telephone: (302) 571-6600  
Facsimile: (302) 571-1253

*Counsel to the Debtors*

IT IS SO ORDERED this \_\_\_\_ day of July, 2008.

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UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I, William A. Hazeltine, do hereby certify I am not less than 18 years of age and that on this 30<sup>th</sup> day of June 2008, I caused a copy of the within *Stipulation of Dismissal* to be served upon the parties on the listed below via U.S. Mail, First Class, Postage Pre-Paid.

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8180 Greensboro Drive, Suite 875  
McLean, VA 22102

Michael P. Morton, Esq.  
Michael Morton, P.A.  
1203 North Orange Street  
Wilmington, DE 19801

Under penalty of perjury, I declare that the foregoing is true and correct.

June 30, 2008  
Date

/s/ William A. Hazeltine  
William A. Hazeltine

## **Exhibit “B”**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

In re:	)	
	)	Chapter 11
BUFFETS HOLDINGS, INC., <i>et al.</i>	)	
	)	Case No.: 08-10141 (MFW)
	)	
	)	Jointly Administered
	)	
ALABAMA POWER COMPANY,	)	
	)	
Appellant,	)	Case No.: 1:08-CV-00187-SLR
	)	
v.	)	
	)	
BUFFETS HOLDINGS, INC., <i>et al.</i>	)	
	)	
Appellees.	)	

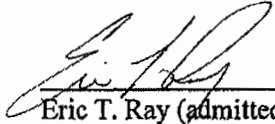
**STIPULATION OF DISMISSAL**

WHEREAS, on March 7, 2008, Alabama Power Company ("APCO") filed a notice of appeal of the Final Order Pursuant to Section 366 of the Bankruptcy Code (I) Prohibiting Utility Companies from Altering, Refusing or Discontinuing Utility Services, (II) Deeming Utility Companies Adequately Assured of Future Performance, and (III) Establishing Procedures for Determining Adequate Assurance of Payment issued by the United States Bankruptcy Court for the District of Delaware; and

WHEREAS, the issues on appeal have been resolved and APCO has agreed to dismiss the above-styled appeal with prejudice.

NOW THEREFORE, the parties hereby stipulate, by and through undersigned counsel, that the appeal in Case No. 1-08-cv-00187-SLR shall be dismissed with prejudice, with each party to bear its own costs and attorney fees.

Dated: June 30, 2008

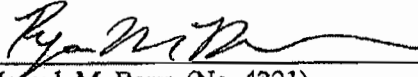


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IT IS SO ORDERED this \_\_\_\_ day of July, 2008.

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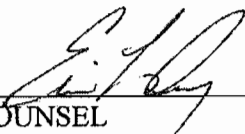
UNITED STATES DISTRICT JUDGE



**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been filed and served upon the following  
by U.S. Mail, properly addressed and postage prepaid, on the 15<sup>th</sup> day of July, 2008:

Joseph M. Barry, Esq.  
Ryan M. Bartley, Esq.  
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P. O. Box 391  
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\_\_\_\_\_  
OF COUNSEL